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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 10/673,846 | 09/29/2003 | Mark Bernard Hettish | 2003P08062US | 3718 |

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Siemens Corporation
Attn: Elsa Keller, Legal Administrator
Intellectual Property Department
170 Wood Avenue South
Iselin, NJ 08830

| EXAMINER |
|---|
| PADMANABHAN, KAVITA |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2161 | |

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|---|---|
| 01/09/2008 | PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

| | Application No. | Applicant(s) |
|---|---|---|
| **Office Action Summary** | 10/673,846 | HETTISH, MARK BERNARD |
| | **Examiner** | **Art Unit** | |
| | Kavita Padmanabhan | 2161 | |

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *21 December 2007*.

2a)☐ This action is **FINAL.**    2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-7 and 15-17* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-7 and 15-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *29 September 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All    b)☐ Some * c)☐ None of:

       1.☐ Certified copies of the priority documents have been received.

       2.☐ Certified copies of the priority documents have been received in Application No. _____.

       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

## DETAILED ACTION

### *Status of Claims*

1.     Claims 1, 15, and 16 have been amended.

2.     Claims 1-7 and 15-17 are pending.

3.     Claims 1-7 and 15-17 are rejected.

### *Continued Examination Under 37 CFR 1.114*

4.     A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection.  Since this application is

eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)

has been timely paid, the finality of the previous Office action has been withdrawn pursuant to

37 CFR 1.114.  Applicant's submission filed on 12/21/07 has been entered.

### *Claim Rejections - 35 USC § 112*

5.     The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making
> and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it
> pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode
> contemplated by the inventor of carrying out his invention.

6.     **Claims 1-7 and 15-17** are rejected under 35 U.S.C. 112, first paragraph, as failing to

comply with the written description requirement.  The claim(s) contains subject matter which

was not described in the specification in such a way as to reasonably convey to one skilled in the

relevant art that the inventor(s), at the time the application was filed, had possession of the

claimed invention.  There does not appear to be support in the applicant's original specification

for an "identity oriented context *system* that represents a context of a user *based on a context of*

*an entity*," a "device oriented context *system* that *represents the context of the user* based on a

context of the device," or interfacing the them both, as recited in each independent claim.

Applicant has pointed to Figs. 1-3, but these do not mention device oriented or identity oriented

context *systems* nor do they mention that a an identity oriented context is based on a context of

an *entity* or that a device oriented context represents a context of a *user* based on a context of a

device.

*Claim Rejections - 35 USC § 102*

7.      The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8.      **Claims 1-7 and 15-17** are rejected under 35 U.S.C. 102(b) as being anticipated by

**Diacakis et al.** (US 2002/0116336, hereinafter "Diacakis").

In regards to **claim 1, Diacakis** teaches a method, comprising:

–   interfacing an identity oriented context system that represents a context of a user based on

a context of an entity with a device oriented context system that represents the context of

the user based on a context of the device **(Diacakis; Fig. 1; Fig. 4 – presence detection**

**engine interpreted as device oriented context system since it determines user's**

**presence on particular devices, and availability management engine interpreted as**

**identity oriented context system since it determines user's availability based on**

**user's/entity's situation);**

- determining, by said device oriented context system, a device oriented context for a

specific device associated with an identity **(Diacakis; par [0043]-par [0044] –** *"to*

*determine if the individual is present on a landline telephone, for example, the landline*

*desk phone 44 in his office," "to determine if the individual is present on his mobile*

*phone 46", "to determine whether an individual is present on other devices such as, for*

*example, a personal digital assistant (PDA) 50 or a pager 52"***;** Fig. 8), wherein said

device oriented context provides an availability status of said specific device **(Diacakis;**

**par [0026]; par [0043]-par [0044] – a landline telephone is clearly a specific device**

**for which an availability status is determined, as is a PDA; par [0045]; par [0053]);**

- determining, by said identity oriented context system, an identity oriented context for said

identity, wherein said identity oriented context provides an availability status of said

identity **(Diacakis; par [0056]; par [0059]; Fig. 8);**

- determining an availability rule associated with said identity **(Diacakis; par [0031]; par**

**[0038] –** *"determine the individual's availability based on the presence information as*

*well as additional information, such as the individual's situation and defined rules and*

*preferences"***);**

- determining, for a specific time, a true availability of said identity based, at least in part,

on said device oriented context for said specific device, said identity oriented context,

said availability rule, and said specific time **(Diacakis; par [0034] – par [0035]; par**

**[0038]; par [0040] –** *"As illustrated in FIG. 4, the presence detection engine 18 may*

*receive various inputs to determine, to the extent possible, the individual's presence. One type of input that the presence detection engine 18 may use to help determine the individual's presence is time-based input 40.*"; **par [0043] – par [0044]; par [0056]; [0059]; Fig. 8); and**

– providing data indicative of said true availability of said identity (**Diacakis; par [0035]; Fig. 8).**

In regards to **claim 2, Diacakis** teaches the method of claim 1, further comprising receiving a request for information regarding true availability of said identity (**Diacakis; par [0029] – par [0030]).**

In regards to **claim 3, Diacakis** teaches the method of claim 1, wherein said determining said true availability of said identity includes determining availability of said identity via at least two different media channels (**Diacakis; par [0031], lines 21-25; par [0035]; par [0038]; par [0040]; par [0043] – par [0044]).**

In regards to **claim 4, Diacakis** teaches the method of claim 1, further comprising establishing said availability rule (**Diacakis; par [0031]).**

In regards to **claim 5, Diacakis** teaches the method of claim 1, wherein said providing data indicative of said true availability of said identity includes displaying an interface indicative of said availability (**Diacakis; par [0056]; Fig. 8).**

In regards to **claim 6, Diacakis** teaches the method of claim 5, wherein said interface

identifies said identity **(Diacakis; par [0056]; Fig. 8).**

In regards to **claim 7, Diacakis** teaches the method of claim 1, further comprising

determining said identity **(Diacakis; par [0038]; par [0056]; Fig. 8).**

**Claims 15 and 16** are each rejected with the same rationale given for claim 1.

In regards to **claim 17, Diacakis** teaches the method of claim 1, wherein said identity is

associated with a plurality of devices **(Diacakis; par [0026]; par [0044] – par [0045]; Fig. 8).**

### *Response to Arguments*

9.      Applicant's arguments filed 12/21/07 with respect to the prior art rejections of the claims

have been fully considered but they are not persuasive.

Applicant argues that Diacakis does not disclose both an identity oriented context system

and a device oriented context system as claimed. The examiner respectfully disagrees and refers

the applicant to the rejection above. To reiterate, the examiner asserts that the presence detection

engine of Diacakis is interpreted as a device oriented context system since it determines user's

presence on particular devices, and the availability management engine is interpreted as an

identity oriented context system since it determines a user's availability based on the

user's/entity's situation (Diacakis; Fig. 1; Fig. 4).

## *Conclusion*

10.     Any inquiry concerning this communication or earlier communications from the

examiner should be directed to **Kavita Padmanabhan** whose telephone number is **571-272-**

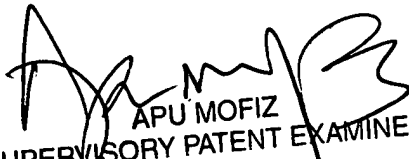**8352**. The examiner can normally be reached on Monday-Friday, 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Apu Mofiz can be reached on 571-272-4080. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

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like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kavita Padmanabhan                                    January 6, 2008
Assistant Examiner
AU 2161

K.P.

APU MOFIZ
SUPERVISORY PATENT EXAMINER